

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RUSH RESIDENTIAL, INC., a Washington state corporation,

Plaintiff,

V.

PHILADELPHIA INDEMNITY INSURANCE
COMPANY dba PHILADELPHIA INSURANCE
COMPANIES.

Defendant.

I. STIPULATION

Pursuant to Federal Rule of Civil Procedure 15(a) and (d). Rush Residential, Inc. (“Plaintiff”) and Philadelphia Indemnity Insurance Company (“Defendant”), hereby stipulate to Plaintiff’s leave to file its Second Amended Complaint for Damages & Declaratory Relief attached hereto as **Exhibit A**.

STIPULATION AND ORDER RE: PLAINTIFF'S LEAE TO
AMEND FIRST AMENDED COMPLAINT– Page 1
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1 **II. AUTHORITY FOR STIPULATION**

2 Federal Rule of Civil Procedure 15(a) provides that, after an initial period for
3 amendments as a matter of right, pleadings may be amended only ***with the opposing party's***
4 ***written consent*** or by leave of the court. Fed. R. Civ. P. 15(a). Further, "the court should
5 freely give leave [to amend pleadings] when justice so requires." Fed. R. Civ. P. 15(a)(2).
6 Federal policy favors freely allowing amendment so that cases may be decided on their
7 merits, and in the Ninth Circuit, Rule 15(a)(2) is interpreted and applied with "extreme
8 liberality." *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003).

9 Plaintiff and Defendant further stipulation that the Defendant's Answer to Plaintiff's Second
10 Amended Complaint shall be due 14 days from the date this stipulation is filed with the Court.

11 RESPECTFULLY SUBMITTED this 20th day of April, 2022.

12 SMITH ALLING, P.S.

13 By /s/Chad E. Ahrens

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27 Attorneys for Defendant, Philadelphia Indemnity Insurance Company

It is so ORDERED. Plaintiff is directed to file the Second Amended Complaint on or before April 26, 2022. Defendant's Answer to Plaintiff's Second Amended Complaint shall be filed fourteen (14) days from the date the Second Amended Complaint is filed.

DATED this 22nd day of April, 2022.

David W. Christel
David W. Christel
United States Magistrate Judge

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The logo for Smith Alling PS consists of two large, bold, serif capital letters "SMITH" on the left and "ALLING" on the right, separated by a vertical line. Below "SMITH" is the text "ATTORNEYS AT LAW". To the right of "ALLING" is a smaller "PS" in a sans-serif font.